

**IN RE THE MATTER OF:**

**Christopher D. Pignotti  
Dinner by Design  
21029 St. James Court  
Mokena, IL 60448**

**Re: Variance Request Dated November 19, 2007 and Section 181,  
Customer Self Service Requirements**

**Order to Grant a Variance**

You are hereby notified that based on the recommendation of the Food Protection Program, Indiana State Department of Health (ISDH), and as authorized by Indiana Code (IC) 16-19-3-4.3 and IC 16-42-5-5.2, the State Health Commissioner hereby orders that a variance be issued to Christopher D. Pignotti, Dinner by Design, 21029 St. James Court, Mokena, IL 60448.

This variance is based on the variance application submitted on November 19, 2007. As part of the review of variance application, an ISDH representative conducted an on-site evaluation to determine how the procedures put into place were being administered and monitored.

**Order**

This variance is subject to the following terms and conditions and is valid only for the time specified herein:

1. A variance is hereby issued to Christopher D. Pignotti, Dinner by Design, 21029 St. James Court, Mokena, IL 60448 for the requirement of 410 IAC 7-24-181 which limits what raw animal food products can be handled directly by the consumer in a food establishment. This variance allows Dinner by Design to allow their customers to handle raw animal foods beyond the scope of Section 181 under the following conditions:
  - A. All customers have read and signed the "Consumer Safe Food Handling Contract" developed by the company signifying the customer understands a few basic food safety principles. This contract must be signed for each location if the customer visits another site.

- B. Each customer has been trained in the basics of food safety as specified in the "Customer Safe Food Handling Training" document included with the variance and copy maintained on site for each location.
  - C. A Certified Food Handler is provided for each location to properly oversee all food safety requirements.
  - D. The facility person-in-charge monitors the customer to ensure they exhibit no symptoms of illness specified in the contract or under Section 120 of 410 IAC 7-20.
  - E. That raw animal food products are provided to the customer in a packaged state prior to the customer handling the product. The customer may then open the package to add ingredients or further process the product at an assigned station that is clean and free of contaminants. After the raw animal food has been processed at the assigned station the area must be cleaned and sanitized before another type of food is handled at the customer station. It is highly recommended that raw animal foods with lower final end cooking temperatures be processed before foods requiring a higher final end cooking temperature, i.e., fish then beef, beef then poultry; etc. The facility person-in-charge oversees all customers to ensure they are not creating a cross contamination event between different meals of their own or those of others and from any bulk ingredients that may be used.
  - F. Safe Handling Instructions for the assembled raw animal food meals shall be created and provided to the customer for their meals and shall comply with the USDA provisions for such labels.
2. The following locations are included in this variance. This variance does not extend to new locations added by this company unless explicitly approved by the Indiana State Department of Health. The establishment must request and receive approval from the ISDH Food Protection Program prior to adding new Indiana locations to this variance.

Dinner by Design, Indianapolis-Fishers  
7035 E. 96th St., Suite N  
Indianapolis, IN 46250

Dinner by Design, Muncie  
2902 W. White River Blvd.  
Muncie, IN 47304

Dinner by Design, Schererville  
300 W. Lincoln Highway  
Schererville, IN 46375

Dinner by Design, West Carmel  
10485 N. Michigan Road, Suite 110  
Carmel, IN 46032

3. Dinners by Design shall comply in all aspects of the 410 IAC 7-24, as determined by the local health department(s), except as stated above. Any change to the management or structure of the operation could invalidate this variance Order
4. This variance Order is limited to the current owner of the Dinner by Design operation(s), Christopher Pignotti, Operations Director, or his designee, and the current scope of the existing operations. This variance Order is not transferable to a new owner.
5. The Dinner by Design parent corporation shall ensure that each franchise operation has agreed to and follows the terms of this Order at all times.
6. This variance Order is limited to being in compliance with all other applicable state and local regulations.
7. Failure to comply with any of the above conditions could result in the revocation of the variance approval.

DATED AT INDIANAPOLIS, INDIANA, THIS 23rd DAY OF JANUARY 2008.

PURSUANT TO IC 16-19-3-4.3 AND IC 16-42-5-5.2, I HEREBY GRANT A VARIANCE OF FOOD PROTECTION RULES AS STATED ABOVE.

JUDITH A. MONROE, M.D.  
STATE HEALTH COMMISSIONER

By: \_\_\_\_\_  
Terry Whitson  
Assistant Commissioner  
Health Care Regulatory Services

cc: Delaware County Health Department  
Hamilton County Health Department  
Lake County Health Department  
ISDH Retail Food Protection Program Staff